

IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA

Nevelle Joshua Eberhart,

Plaintiff,

v.

Police Officer and Columbia Police
Department,

Defendants.

C/A No. 3:24-cv-3896-SAL

ORDER

Nevelle Joshua Eberhart (“Plaintiff”), proceeding pro se and in forma pauperis, filed this civil action pursuant to 42 U.S.C. § 1983. On October 9, 2024, United States Magistrate Judge Paige J. Gossett issued a Report and Recommendation (“Report”) pursuant to 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), recommending that this action be summarily dismissed without prejudice and Plaintiff’s motion for leave to proceed in forma pauperis be terminated. [ECF. No. 17.] As set forth in the Report, the magistrate judge advised Plaintiff in multiple orders that he needed to file additional documents to bring his case into proper form, but Plaintiff failed to respond or fix the problems with his case. *Id.* The magistrate judge now recommends dismissal for failure to comply with the court order and failure to prosecute. *Id.* Attached to the Report was a notice advising Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 4. Plaintiff has not filed objections, and the time for doing so has expired.

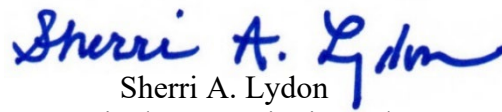
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a

de novo determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 17, and incorporates it by reference herein. As a result, this case is **SUMMARILY DISMISSED without prejudice**. Additionally, Plaintiff’s motion for leave to proceed in forma pauperis, ECF No. 2, is terminated as **MOOT**.

IT IS SO ORDERED.

December 3, 2024
Columbia, South Carolina


Sherri A. Lydon
United States District Judge